

FORM PTO-1390 (Modified) (REV 10-95)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 110/02239	
<b>TRANSMITTAL LETTER TO THE UNITED STATES</b> <b>DESIGNATED/ELECTED OFFICE (DO/EO/US)</b> <b>CONCERNING A FILING UNDER 35 U.S.C. 371</b>				U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR <div style="font-size: 1.5em; font-weight: bold;">09/890172</div>	
INTERNATIONAL APPLICATION NO. <b>PCT/IL00/00058</b>		INTERNATIONAL FILING DATE <b>January 27, 2000</b>		PRIORITY DATE CLAIMED <b>January 27, 1999</b>	
TITLE OF INVENTION <b>EXPANDABLE INTERVERTEBRAL SPACER</b>					
APPLICANT(S) FOR DO/EO/US <b>Oren GLOBERMAN et al.</b>					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).</li> <li>4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c) (2))           <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</li> <li>7. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> <li>8. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>9. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>10. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li>11. <input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPBA/409).</li> <li>12. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> </ol>					
Items 13 to 18 below concern document(s) or information included:					
<ol style="list-style-type: none"> <li>13. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>14. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>15. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.                  A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>16. <input type="checkbox"/> A substitute specification.</li> <li>17. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>18. <input type="checkbox"/> Certificate of Mailing by Express Mail</li> <li>19. <input checked="" type="checkbox"/> Other items or information:</li> </ol>					
Amendments to the claims of the International Application under PCT Article 34 are transmitted herewith as annexes to the IPER.					

U.S. APPLICATION NO. (IF KNOWN) <b>097890172</b>		INTERNATIONAL APPLICATION PCT/IL00/00058		ATTORNEY'S DOCKET NUMBER 110/02239	
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20. The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :</b>				<b>CALCULATIONS PTO USE ONLY</b>	
<input checked="" type="checkbox"/>	Search Report has been prepared by the EPO or JPO .....	\$860.00	<del>\$930.00</del>		
<input type="checkbox"/>	International preliminary examination fee paid to USPTO (37 CFR 1.482) .....	\$720.00			
<input type="checkbox"/>	No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....	\$790.00			
<input type="checkbox"/>	Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....	\$1,070.00			
<input type="checkbox"/>	International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....	\$98.00			
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				\$860.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (c)). <span style="float:right;"><input type="checkbox"/> 20 <input type="checkbox"/> 30</span>				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	124 - 20 =	104	x \$18.00	\$1,872.00	
Independent claims	2 - 3 =	0	x \$80.00	\$0.00	
Multiple Dependent Claims (check if applicable). <span style="float:right;"><input type="checkbox"/></span>				\$0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$2,732.00	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). <span style="float:right;"><input checked="" type="checkbox"/></span>				\$1,366.00	
<b>SUBTOTAL =</b>				\$1,366.00	
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)). <span style="float:right;"><input type="checkbox"/> 20 <input type="checkbox"/> 30</span>				\$0.00	
<b>TOTAL NATIONAL FEE =</b>				\$1,366.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <span style="float:right;"><input type="checkbox"/></span>				\$0.00	
<b>TOTAL FEES ENCLOSED =</b>				\$1,366.00	
				Amount to be: refunded	\$
				charged	\$

  

☐ A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.

☒ Please charge my Deposit Account No. **03-3419** in the amount of **\$1,366.00** to cover the above fees.  
A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **03-3419** A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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*Paul Fenster*

\_\_\_\_\_  
SIGNATURE

**Paul FENSTER**  
\_\_\_\_\_  
NAME

**33,877**  
\_\_\_\_\_  
REGISTRATION NUMBER

**July 24, 2001**  
\_\_\_\_\_  
DATE

09/890172

JC16 Rec'd PCT/PTO 25 JUL 2001

EXPRESS MAIL CERTIFICATE 37 C.F.R. 1.10

Date of Deposit July 25, 2001

Express Mail Label No. EL692775726US

I hereby certify that this paper is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231

Phillip Rodriguez  
Name of Person Mailing

Phillip Rodriguez  
Signature

09/890172-01501